

## 21 C.J.S. Courts § 297

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### Courts

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### VIII. Concurrent and Conflicting Jurisdiction

#### B. State and United States Courts

##### 4. Enjoining Proceedings in Other Court

##### b. Exceptions to Anti-Injunction Act

§ 297. Applicability of equitable principles to Anti-Injunction Act exceptions; comity

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(1), 508(2.1), 508(7)

**The mere fact that a case falls within one of the Anti-Injunction Act's exceptions does not relieve the federal court litigant from showing equitable entitlement to an injunction.**

The mere fact that a case falls within one of the Anti-Injunction Act's exceptions<sup>1</sup> to the general prohibition against federal court injunctions of state court proceedings<sup>2</sup> does not relieve the federal court litigant from showing equitable entitlement to the injunction.<sup>3</sup> The federal court is still restrained by the principles of equity, comity, and federalism in determining the propriety of an injunction of state court proceedings<sup>4</sup> even though the federal court proceeding was commenced prior to the state court proceeding.<sup>5</sup>

More specifically, even where an injunction against state court action is authorized by one of the exceptions to the Anti-Injunction Act, the extraordinary relief of an injunction of state court proceedings must be supported by traditional equitable requirements such as irreparable harm for which there is no adequate remedy at law.<sup>6</sup> In turn, any injunction against state court proceedings which is otherwise proper under general equitable principles must be based on one of the specific statutory exceptions to the Anti-Injunction Act if it is to be upheld.<sup>7</sup>

### *Criminal prosecutions.*

Even assuming the case falls within one of the exceptions to the Anti-Injunction Act, federal injunctive intervention in a pending state court criminal prosecution is justified only in exceptional circumstances, namely, where irreparable injury is both great and immediate, where state law is flagrantly and patently violative of express constitutional prohibitions, or where there is a showing of bad faith, harassment, or other unusual circumstances that would call for equitable relief.<sup>8</sup> A federal court should almost never enjoin a state criminal proceeding, given principles of comity and the need to avoid unwarranted determinations of federal constitutional law.<sup>9</sup>

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### Footnotes

- 1 § 296.
- 2 § 293.
- 3 U.S.—*Ramsden v. AgriBank*, FCB, 214 F.3d 865 (7th Cir. 2000).  
  
For discussion of the general principles governing the issuance of injunctions, see *C.J.S., Injunctions* §§ 24 to 31.
- 4 U.S.—*Regions Bank of Louisiana v. Rivet*, 224 F.3d 483 (5th Cir. 2000); *Ramsden v. AgriBank*, FCB, 214 F.3d 865 (7th Cir. 2000).
- 5 U.S.—*Louisville Area Inter-Faith Committee for United Farm Workers v. Nottingham Liquors, Ltd.*, 542 F.2d 652 (6th Cir. 1976).
- 6 U.S.—*Zurich American Ins. Co. v. Superior Court for State of California*, 326 F.3d 816 (7th Cir. 2003).
- 7 U.S.—*In re Prudential Ins. Co. of America Sales Practice Litigation*, 261 F.3d 355 (3d Cir. 2001).
- 8 U.S.—*Mitchum v. Foster*, 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972).
- 9 U.S.—*Gilbertson v. Albright*, 381 F.3d 965 (9th Cir. 2004).